UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
2143	8

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 May 2000_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _6, 7_ .	6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-19 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin

et al. (USPN 6,405,250) (hereinafter Lin).

3.   Referring to claim 1, Lin discloses a network device comprising:

an internal configuration database process (management agent) for managing

configuration of internal resources within the network device in response to

configuration input provided by an external Network Management System (NMS)

process (e.g. abstract; Figures 1-8; col. 7, lines 27-50).

4.   Referring to claim 2, Lin discloses a plurality of modular processes that

communicate with the configuration database to access configuration data, wherein the

processes use the configuration data to modify execution behavior (execution policies)

(col. 8, line 39 to col. 9, line 50).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lim in view of Krishnamurthy et al. (USPN 6,389,464) (hereinafter

Krishnamurthy).

6.   Referring to claim 3, Lin discloses a communications system, comprising:

a network device comprising:

an internal configuration database process for managing configuration of

internal resources within the network device (e.g. abstract; Figures 1-8; col. 7,

lines 27-50).

a computer system comprising:

a trend analyzer and an action chooser to receive information from the

network element and, based on previous performance, determine a best course

of action to reconfigure the network element (e.g. abstract; Figures 1-8; col. 7,

line 51 to col. 8, line 2; col. 8, lines 39-55);

a Network Management System (NMS) process for responding to the

configuration data and for sending configuration data to the configuration

database process within the network device (col. 7, line 51 to col. 8, line 2);

wherein the configuration database process within the network device

configures internal resources of the network device in response to the

configuration data received from the NMS (col. 7, line 27 to col. 8, line 55).

The system taught by Lim does not necessarily disclose an input mechanism for

receiving configuration input data from a network manager, however Krishnamurthy

discloses an input mechanism for receiving configuration input data from a network

manager over the Internet using standard HTTP and HTML protocols (Figures 4-29). It

would be obvious to a person of ordinary skill in the art at the time the invention was

made to combine the teaching of Krishnamurthy with Lim to allow a system

administrator to customize the network as necessitated by new upgrades to the system

while leaving the automated processes of monitoring and configuring based on

thresholds to the network monitoring system.

7.   Referring to claim 4, Lin discloses an internal NMS database process for tracking

configuration information stored by the configuration database within the network device

(col. 7, lines 27-50).

8.   Referring to claim 5, Lin discloses for any change to the configuration data stored by the configuration database, the configuration database sends a notification of the change to the NMS database within the computer system to synchronize the NMS database with the configuration database (col. 7, line 51 to col. 8, line 2; col. 8, lines 39-55).

9.   Referring to claim 6, Lin discloses the change notification sent to the NMS database by the configuration database includes data representing the change to the configuration data (col. 7, lines 36-50; col. 8, lines 23-28, 44-48).

10.   Referring to claim 7, Lin discloses the configuration database supports an active query feature and the NMS database is configured to establish an active query for all records within the configuration database to synchronize the NMS database with the embedded database (col. 8, lines 44-48; Figures 1-8).

11.   Referring to claim 8, Lin discloses a communications system as stated in the claims above. Lin does not disclose the NMS process communicates with the configuration database through a standard database protocol. Krishnamurthy discloses the database synchronization process communicates with the configuration database through a standard database protocol (SQL) (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lin to provide for reduced complexity of the system

while allowing for the use of standardized components to interface with the database

system.

12.   Referring to claim 9, Lin-Krishnamurthy disclose a communications system as

stated in the claims above, however the system does not specify the NMS process

communicates with the NMS database through the standard database protocol,

however, it is suggested by the prior art that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the system of Lin-

Krishnamurthy to communicate with the NMS database through the standard database

protocol to provide for reduced complexity of the system while allowing for the ease of

future upgrades or replacements.

13.   Referring to claim 11, Lin discloses a communications system as stated in the

claims above. Lin does not necessarily disclose that the computer system comprises a

workstation, however, it is suggested that Lin that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate a workstation

to the computer system to allow the system to effectively monitor that particular element .

as part of the system.

14.   Referring to claim 12, Lin discloses a communications system as stated in the

claims above. Lin does not disclose that the computer system comprises a personal

computer. Krishnamurthy disclose a computer system which comprises a personal

computer (col. 4, lines 1-7). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lin to allow a system administrator to customize the network as necessitated by new upgrades to the system while leaving the automated processes of monitoring and configuring based on thresholds to the network monitoring system.

15.   Referring to claim 13, Lin discloses a communications system as stated in the claims above. Lin does not disclose the network device is a switch. Krishnamurthy disclose a network monitoring/management system which monitors the performance of a network switch (e.g. abstract; col. 4, lines 20-27). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Krishnamurthy with Lin to allow a system administrator to customize the network as necessitated by new upgrades to the system while leaving the automated processes of monitoring and configuring based on thresholds to the network monitoring system.

16.   Referring to claim 14, Lin discloses the network device is a router (col. 3, line 1).

17.   Referring to claim 15, Lin-Krishnamurthy discloses a communications system as stated in the claims above. Lin-Krishnamurthy do not disclose that the network device is a hybrid switch-router, however it is suggested by the prior art that it would have been obvious to one of ordinary skill to provide that the network device is a hybrid switch-

router to allow more connectivity between network devices, allowing more integration of network elements support systems.

18.   Claims 16-19 are rejected for similar reasons as stated above.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Krishnamurthy in view of Sampson et al. (USPN 6,490,624) (hereinafter Sampson).

19.   Lim in view of Krishnamurthy disclose a communications system as stated in the claims above. Lim in view of Krishnamurthy do not disclose that the standard database protocol is the JDBC protocol. Sampson discloses accessing a database using the JDBC protocol (col. 9, lines 45-51). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Sampson with Lim and Krishnamurthy to allow a client to securely interact with a plurality of access servers as supported by Sampson (e.g. abstract).

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21.   Gamache et al. (USPN 6,401,120) discloses a method for consistent cluster operational data in a server cluster using a quorum of replicas.

22.   Battat et al. (USPN 6,289,380) discloses a network management system using VR techniques to display and simulate navigation to network components.

23.   Lewis et al. (USPN 6,421,719) discloses a method for reactive and deliberative configuration management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
March 26, 20044

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